

**STAFFORD COUNTY**  
**AGRICULTURAL AND PURCHASE OF DEVELOPMENT**  
**RIGHTS COMMITTEE MINUTES**  
**February 22, 2010**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, February 22, 2010, was called to order at 7:05 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Clark, McClevey, Hunt, O'Hara and Adams

Members Absent:

Staff Present: Neuhard, Baker, Smith, Knighting, Lott and Keyes

1. Call to Order
2. Organization of Committee
  - By-laws

Mr. Coen: Going down our agenda, the first item is dealing with the by-laws which we put off last meeting and asked our brilliant counsel to simplify and so we'll turn it over to him.

Mr. Smith: Well, I tried to do just that, to keep it short and sweet and the easiest thing for everyone. Hopefully it will work for the committee, at least for the next year or so. I don't know if you want me to run through or just if you have questions, if there are any.

Mr. Coen: Is there a preference of going through it bit by bit or just field questions?

Mr. O'Hara: Just have an overview.

Mr. Smith: Hopefully the name, it wasn't very creative but hopefully that combines both groups. I decided to just keep the purpose short and sweet rather than try to go through all the different specifics that we could possibly go with. Membership is pretty self-explanatory; it's taken from mainly the PDR Committee membership criteria. That is actually in the ordinance at this point. Hopefully the meetings work for everyone's schedule; I think I hopefully got that correctly for the new meeting cycles.

Mr. Coen: I did have a question on that one. On the B. Regular Meetings, I know in the past we cancel them if we know we don't have a quorum. Do we have to put that in the by-laws or, because it says if there is no subsequent business but it doesn't necessarily equate to we know there's not going to be a quorum. So I didn't know.

Mr. Smith: I can add it.

Mr. Coen: I don't know, was that the protocol, Kathy, in the past?

Mrs. Baker: Just when we found out there was not going to be a quorum we would cancel.

Mr. Coen: Okay, so it doesn't matter. No problem; I just didn't know. When in doubt, ask.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Smith: I left parliamentary procedure in there although I don't think there's been a question since I started working here. The only issue with the officers are I left it the way it was written. I believe the submissions in the by-laws regarding Secretary, I can leave that in or take that out. I know that County staff provides the secretarial support. I think that is really probably just about it. The only other potential issue I saw was a member who abstains shall state their reason for abstaining. I just wanted to bring that to your attention. If anyone is uncomfortable with that or if they would prefer that that be out there...

Mr. Adams: I had a question about that statement and if you remember from last meeting I asked. So, if I gave my reason, could somebody then say well no, that's not really a conflict. I'm saying like if I know this person personally, I've had a working environment or they're a neighbor or whatever, and I felt I should abstain, could somebody come back and say no, that doesn't meet the criteria. Or is it just if I want to abstain and give a reason, I can abstain and give a reason?

Mr. Smith: I think it's just to try to put everything on the record and make it clear when if something were to go up to the Board for its consideration why a vote was missing. I don't think that somebody could make a substantive challenge toward the actions this committee took based on your reason for abstaining; it might not be adequate. So, I don't think that should be a problem.

Mr. Coen: Any other questions?

Mr. O'Hara: My question would be taking a commission and a committee and putting them together and then taking a committee out, is there any legal difference between a commission and a committee?

Mr. Smith: I don't think that the name... I don't think in what they were charged to do, the designation as a commission versus a committee affects what they do going forward. I think that is more trying to meld the two purposes of the groups. I think it can go either way whether it wants to be known as a commission or as a committee. I don't know whether the Board in the way they melded the two together changed that specific issue and whether, in general, the Board, naming an organization or a group a committee versus a commission gives them the different charge.

Mr. Neuhard: The PDR committee is outlined in the County Ordinance which we are going to have to do some work with now that we have combined both groups. And the duties of the Agricultural Commission, the original Agricultural Commission, was outlined in a resolution. There is more authority vested in the PDR Committee than there is in the Agricultural Commission and, in fact, the Agricultural Commission... it's argued that they completed most of their outlined tasks at that time and that the idea now is to bring more focus back into, particularly the agricultural side, but to both. The duties are close enough; in fact, the Agricultural Commission produced the PDR Committee originally and the ordinance. But you can be called whatever you like at this point. You all have a choice in your name essentially because the Board provided no direction as to what it would be called at all other than to combine the committees. So, your pleasure really is in the naming.

Mr. Coen: Thank you. Is there a preference?

Mr. O'Hara: No.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Coen: Okay. Any other discussion on the by-laws? Seeing none, is there a motion to accept the by-laws?

Mr. Hunt: So moved.

Mr. Coen: Okay, is there a second?

Mr. McClevey: I second.

Mr. Coen: Alright. Any discussion?

Mrs. Clark: The only question I have is if we keep Secretary in there, do we have to do a Secretary?

Mr. Coen: No.

Mr. Smith: Right, the Secretary does not have to be a member of the committee.

Mr. Neuhard: You do have to designate one though. Remember, in the PDR Committee you designated staff.

Mr. Coen: Right. And which we generally did. Okay. Any other questions, comments, queries? Okay, all in favor of accepting our by-laws say aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye.

Mr. Hunt: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. All opposed? Alright, we have accepted the by-laws. So that brings us to the election of the Vice-Chair and dealing with the Secretary issue.

- Election of Vice-Chairman and Secretary

Mr. Adams: I make a nomination that staff be the Secretary.

Mr. Coen: Okay. Is there a second for the nomination of the idea of staff continuing on with the Secretary duties?

Mr. O'Hara: Second.

Mr. Coen: Okay. Any discussion? All those in favor say aye.

Mrs. Clark: Aye.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. McClevey: Aye.

Mr. Hunt: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. Opposed? Alright. So now we need to deal with the Vice-Chair. Are there any nominations?

Mrs. Clark: I nominate Marty McClevey.

Mr. McClevey: I would accept the nomination.

Mr. Coen: Do we have to worry about seconding nominations?

Mr. Neuhard: I think that would be appropriate.

Mr. Coen: Okay. Is there a second?

Mr. Hunt: Second.

Mr. Coen: Okay. Are there any other nominations? Seeing none I will close the nominations and all those in favor or Marty McClevey being Vice-Chair say aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye.

Mr. Hunt: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. All opposed? Congratulations! Alright, so that brings us to issue number 3, approval of the January minutes.

**3. Approval of Minutes – January 26, 2010 minutes**

Mr. Hunt: I submitted a one line change to the minutes.

Mrs. Baker: A change to line 70, the stormwater issue.

Mr. Hunt: It's soil and water.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Coen: Okay, any other amendments, changes, alterations? Okay. Is there a motion to accept the minutes as amended?

Mr. McClevey: I move that we accept the minutes.

Mr. Coen: Okay, is there a second?

Mr. Adams: I'll second.

Mr. Coen: Okay, all those in favor of approving the minutes from January say aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye.

Mr. Hunt: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. All opposed? Alright. Now we're onto number 4.

**4. Staff Update**

- PDR Celebration Event

Mr. Neuhard: You go ahead and start and I'll pick up the back end of it, Kathy.

Mrs. Baker: I am going to hand these out real quick. Mr. McClevey was so gracious to put together just in draft some information for several different options on how to do if we are looking at a PDR celebration event. I did talk to Mr. Silver and he is okay with the idea of us doing it. His initial thought was sometime around the end of April. So Mr. McClevey put together some information on what may be appropriate for having this program and a lot of it is going to be driven by the Board of Supervisors. We are going to have to get their approval and to get a timeframe that works for the Board as well, and the committee. Marty, do you want to run through this real quick on what your thoughts were?

Mr. McClevey: Sure. I provided three potential scenarios for the dedication. I believe you will probably agree to having something on the site is appropriate but the scenarios would be at minimal you would have a program solely in the Board chambers or you could do a program partially in the Board chambers and then move to a dedication site, to the property, or the entire ceremony at the Silver property. If you do it at the Silver property, there are probably going to be restrictions due to nature of the site, parking and so forth. I put together a program though, as Kathy said, that the Board will to determine who is going to be doing what and what roles particular people will play. I suggested that Mike kind of be like the emcee. I put remarks by VDACS representative Kevin Schmidt so it would be something like we would invite VDACS to come. I think that would be very appropriate since it was their money and funding. Again, the rest of it is just suggestions. If we do it onsite, there

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

is going to be circumstances that might require traffic control, special parking, tall boots and so forth. I suggested some committees or individuals that might step up to do some things such as press release and invitations and press packs. I understand the County has a public information officer and office. Sign fabrication, for example. And then like onsite coordination; if we do that, it would be important to have somebody responsible for what we want to do onsite, speakers, if we need microphones, and parking and so forth. And then I suggested perhaps we would have a reception. The timing, I had proposed sometime in April and I think the Board is really going to be busy in April so they suggested not doing April at all. So, it's going to be May plus; sometime beyond the month of May probably. May or further along than that. I suggested a Tuesday; I wasn't sure when the Board met but I thought it might be appropriate to have it on an afternoon and certainly at a time and date when a representative of VDACS could be available to participate. Kathy and I can work together on this. We just wanted to get your thoughts on perhaps timing and what you would perceive as being a good plan for a dedication. And the last two pages, I proposed a sign, number 7, very simple, perhaps something like the Stafford County emblem. And I just threw out the thought of the First Perpetual Conservation Easement Dedicated April 13, 2010. And then the last page is my thoughts on perhaps what we might do for a conservation boundary marker. It could be a slat or a benchmark type thing for marking the property so, if people are walking through or whatever, they are realizing that they are now entering a conservation easement and so forth. That's pretty much it. Kathy, is that kind of in a nutshell and what you are thinking?

Mrs. Baker: I'm going to let Mike comment.

Mr. Neuhard: I spoke with the Board Chairman last Thursday about it and I think he was amenable to it. He was certainly concerned about the timing of it because of the budget and the level of activity they have going through April. And at that time I just mentioned in the spring and he was okay. I understand there's some coordination around planting season, etcetera, that we are going to have to deal with so it's not that it's impossible. I think that probably a Tuesday is going to be a very difficult day for them. Their Board meetings are pretty tight as they have been here the last couple of years. They continue to be very aggressive on their agendas so I think that probably we are going to end up maybe looking at another day; but that is something that we can work through. And I think that certainly everything you've identified here is possible. I think it would be nice though if that we had good weather and we could have it onsite; kind of do it all on site because that would be best. Do it at one place. It's a beautiful piece of property; I think that is a wonderful place to do it. We will work a little bit, we will talk about these boundaries. I think there are good ideas in that. So, I think the reception is very positive for doing it, it's just the timing that we've got to be careful with and make sure we work it out.

Mrs. Clark: One thing we might look at is a few years ago, on the main farm, they have sort of a covered picnic pavilion; we've had Farm Bureau picnics there before. So you might be able to do some reception on site there which is just a block over. So, that's a possibility.

Mr. Coen: Excellent. Thank you Marty. Any other comments, questions? So, Mike and Kathy are going to keep working on that and will touch base with Marty.

Mr. McClevey: I need to do a site visit so I will probably plan that so we can just kind of just look it over and see what it would take, how many cars we can fit.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Neuhard: Kathy and PIO and a few others on staff, the Crow's Nest dedication which was very large, was their work. So they have a lot of experience pulling it together.

Mrs. Baker: Hey, we landed the Governor, in the helicopter.

Mr. Neuhard: We had everything from covered tents on the dock to boat rides. We had a very large program there so I think we can pull it together so that you all like it. It will be appropriate for what is happening here.

Mr. Adams: I would even think that we could park at the main farm and use hay wagons to shuttle people back and forth. As long as it's casual dress and people aren't trying to get on a hay wagon in a suit and tie.

Mr. Neuhard: What they did at the Crow's Nest was they had a remote parking site and they had a small shuttle bus and a couple vans that ran back and forth. So, depending on what kind of response we get for attendees, there are plenty of opportunities for doing everything you are talking about. You can do a reception right up on the hill, for that matter. There are some opportunities we can work through and bring back to the Board and Committee.

Mr. Adams: It might be dry by May.

- Verbatim Minutes

Mr. Coen: Okay, we'll move onto verbatim minutes. And we had a discussion last meeting whether we should make the wonderful secretary do everything verbatim or do summary. And they were going to check into what they needed to do and get back to us.

Mrs. Baker: We needed to go back and talk with the department because it is more of a department policy that we have been doing that and decided it will be best to stick with the verbatim. Especially, as Jeff pointed out, when you get into talking about money and selection of folks down the road when we may eventually have money again to continue the program, having everything word for word is probably going to be better when you may get into people challenging something that it probably would be best to have verbatim. So we will continue to do that unless you all have a serious issue about it.

Mr. Coen: I know we had discussed last meeting about trying to frame things with the PDR, if there was an Ag issue and a PDR issue that we do the PDR issue first so that staff that does not need to be here for the Ag issue could leave. And would we want to leave that flexibility on that as well, if there is an issue. I mean, if we are just talking about trying to set up a farmer's market, I don't know necessarily that she has to do verbatim or is that just going to be splitting the hair?

Mrs. Baker: We would probably do it all the same way so that it would be all one set of minutes.

Mr. Coen: Okay.

Mr. Neuhard: With that in mind, though, I think it would be important that, and I know Tom you are very good with working on the agenda items with us, but as you did the last time at the end of the meeting, capsulizing what you think the next agenda needs will look like I think would be important

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

for us, because right now there is so much in the PDR mainstream that we are working on that some of the agricultural issues may get lost. And we want to make sure that we get their time to all of those things that the committee is thinking about on the agenda.

Mrs. Baker: You may want to consider, since we were going to a quarterly schedule for the Ag Commission, maybe once a quarter the meeting is focused on the Ag Commission.

Mr. Adams: One thing on the Ag, the woman that met with us, Elizabeth whatever, but they did, through Virginia Tech, send out a survey asking about putting out one of those buy local, buy fresh things. They at least mailed something to the area farmers through John Howe's office in Spotsylvania.

Mr. Coen: Okay. Alright, that brings us to unfinished business, the ranking criteria.

5. Unfinished Business

- PDR Ranking Criteria

Mrs. Baker: As I mentioned, of course we did these back in October and November, and these changes were made based on committee comments that were made at that time. So I guess I will throw it out to you all, do you want to start from the beginning and go through everything and look at the comments. We kind of talked about some of them once. I will leave it up to you all to determine whether we start from scratch or do go through piece by piece.

Mrs. Clark: I think we ought to start from scratch because we have new people. They need a familiarity with what is there.

Mr. Hunt: I think I know what is there but it would be nice to have an overview of exactly what I am looking at.

Mrs. Clark: We don't need to spend a lot of time on each item.

Mrs. Baker: Right. The one thing here is we are not paying attention to the points at this time. We will get the categories squared away first. I will start if you all are ready.

Mr. Hunt: I want to make sure, what you have here is four criteria and if someone wanted to apply or multiple people wanted to apply, you would use this criteria to score those applications?

Mrs. Baker: If we just got one application, we wouldn't even need to do that. If we get more than one application, this is how we go through each one.

Mr. Hunt: That's what I thought; I just wanted to make sure.

Mr. Neuhard: The criteria itself is identified in the Ordinance. And what we did as part of the administrative process, we took the criteria from the Ordinance and put it into a chart system so that every property that was evaluated came with a standard package. And within that package we started with the physical attributes of the property and pictures and things of that nature. Then we came back and we looked at scoring and every separate property had a scoring sheet. And then we summarized



***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

that at the end and once the committee was assured that those points were there, what we did was basically this was very similar to one of the rating sheets and what we've done was go back in as we worked this and started altering it right here on the forms. And that's why you see all this writing on the form. If you find that it's more helpful for us to give you a base sheet again, we will be happy to do that, for particularly the new members. If you'd like, I'd be happy to copy those for you real quick.

Mr. Hunt: That's fine. I just wanted to make sure I understood this.

Mrs. Baker: And as a recap, we have five general categories that you see at the top beginning under A, the quality of the parcel. For that category we are going to have four or five different criteria under that heading. And each of those sections has its own subtotal and when we get to the end, we total up all of those subtotals. Some of these may be shifted around to a new heading or a new subcategory may be created in the long run, such as the centennial farm. We may not know where that fits in so we might just create an entire new subcategory for that if we choose to go that route. We can rearrange this, however we want to do it; this is a starting point. There may be some of these that we decide to just throw out of the ranking criteria that we feel may not be important and there may be areas in here that you don't think are covered that we want to consider having. So, I'll get started and I will hand it over to Mike as we go, the ones that aren't as easy. So, we do start under A, the quality of the parcel, and we initially had, I guess, four different categories and they were twenty to forty-nine, fifty to seventy-nine, eighty to ninety-nine and one hundred or more. The feeling of the committee was to break it down into ten acre increments. And there was also the question which we didn't go into that of breaking it down even above 100 acres, but once you get over 100... there are more than you think but 100 to 200 to 300 and then getting above that, you are getting fewer and far between. So, what do you all think about the breakdown of the 10 acres?

Mr. Coen: Everybody okay? When I was in college, the professor's attitude was silence means consent, so we go on the thought that if you don't say anything negative, we're okay. Now certainly, if you're uncertain and you're like I want to come back and think about it or let me dwell on it, there is no problem with that either.

Mrs. Baker: Twenty was the minimum and that's our minimum for getting into the program, and then we took it up to the forty-nine.

Mr. Adams: Let me ask you about that twenty as a minimum. What if you have like a family subdivision where it was already a family subdivision and each of them had a ten to fifteen acre parcel but as a group they decided to put all three properties in.

Mrs. Baker: You can batch an application and have a minimum, it's not necessarily the parcel size but the size of the total property.

Mr. Coen: Right, as long as they are contiguous.

Mr. Adams: Okay.

Mrs. Baker: And number 2 I'm going to turn over to Mike.

Mr. Lott: Originally, this one we were looking at soils on site and looking at the land capability class system. We identified soils that were class 1, 2E, 2W, 3W and 4W and basically what percentage of

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

the parcel had soils of those types so you would get points based on that. We had a suggestion to switch that so instead of using the land capability class system, we would use the soil designation as prime farmland and/or farmland of statewide importance, I guess thinking that was easier to understand. The actual methodology would be exactly the same. There are lists of those types of soils.

Mrs. Clark: My gut feeling is Stafford doesn't have much prime farmland.

Mr. Lott: Those soil types are in the County; they tend to be located in relatively flat areas, so I think there are some certainly in White Oak and I don't know about Hartwood.

Mr. Neuhard: No, they would have to be east of Route 1.

Mr. Lott: Yeah, they tend to be fairly flat areas.

Mrs. Clark: Are they listed on the soil survey that is online?

Mr. Lott: Yeah, I can send everybody a list of what these are, if you would like to see them. If you would like to, I could go through and check and see if these soil types are located throughout the County and make sure that by doing this we limit the possibility for points to a farm in one small part of the County. If that's an unintended consequence, I can look into that. I hadn't thought to do that.

Mrs. Clark: Is the soil survey that's online, is it a map or is it just a list of coordinates?

Mr. Lott: No. I think there are maps online but I don't use them because we have those on our County GIS. But if you go to the NRCS webpage you can generate lists of different reports.

Mrs. Clark: If you're a farmer and you're preparing an application and you want to have a heads-up as to what your property is going to score in this area, a map on the soil survey would be helpful.

Mr. Lott: Yes. You could figure that out, if you are familiar the NRCS webpage and it takes a little practice to use it but once you get used to it, yeah, you could generate a report.

Mr. Hunt: So prime farmland scores higher than non-prime farmland?

Mr. Lott: Well, originally we used the Land Classification System. If you had, say, eighty percent of your soil were of these earlier land classes you would receive 10 points.

Mr. Hunt: Yeah, I understand those.

Mr. Lott: But now instead of doing that, I guess you would do it a simpler way. If you had less than twenty percent of your farm did not have some of those prime farmland then you would get no points. And it would go up according to how much of that you had.

Mrs. Clark: But the answer to your question is yes, because if you take a look at this particular ranking criteria piece, it's a quality of the parcel and then in parentheses it says productivity capability.

Mr. Hunt: On land or lots with large slopes and things like that where I might want to most prominently implement conservation plans, they wouldn't score well under this criteria.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Lott: I don't remember off the top of my head how well the soils on the earlier applications would have scored in this system either, I would have to look at that. This is something I can look into more.

Mrs. Clark: Is there enough difference in the soils throughout the County to make this a valid criteria?

Mr. Lott: I would have to do a little research, I need to see where these prime soils are.

Mr. Adams: My concern with this, when you look at a soil map that says you've got this type of soil identified here, but you may have somebody that's been organic farming for fifteen or twenty years and what is there is not an accurate reflection of what some soil map that is thirty or forty years old is saying.

Mr. Lott: The NRCS soil map depict the generalized locations of soil types.

Mrs. Baker: I think one thing you have to consider is do you want to count a farming property, do you want to look to assign points to that. And, if you do, I think soils are one of the few ways that we can differentiate that between others. That's why we have the other category such as the environmental. Or even if you look at the likelihood of the parcel being threatened by development pressure the good soils are also going to relate to how developable that property is. The number of parcels you can get on to steep slopes and all that, of course we've had those discussions, you will have less developable quality there relative to farmland.

Mr. Lott: If I can think of ways to provide some information, do you want some information on this issue? I could probably get the GIS system to break it down by the tax map and what percentage of soils are considered Prime Farmland on each tax map.

Mr. Hunt: That would be helpful to me.

Mr. Lott: I could do it myself but there are other County GIS people that could do that.

Mr. Adams: I don't know if you could tie production to it in any way at all because steep slopes are a problem if you put a plow in the ground. It's not necessarily a problem at all if you have cattle, sheep and goats out there because it actually keeps equipment off of those steep slopes and the farmer can conserve it in that way rather than putting any pressure on there.

Mr. Coen: Okay. We're on number 2. If you'll come back and give us some more information.

Mr. McClevey: I'm glad we're having this discussion because it kind of concerns me as well as to why we have the question in and it goes back to my thoughts on having two tracks of planning in our criteria for areas that are non-farms and areas that are farms. If you want to look at from Virginia agricultural perspective on what are the best farming areas that we want, if the PDR/Ag Committee wants to pursue prime farmland then we will certainly look at the best soils and tracts of land that have these. If we're looking at taking property out of development, I know in fact there are a lot of farms in Stafford that are red clay that are not fertilized because they don't produce well but would certainly be good properties or easily developable properties. So, if you had another tract siting that is used in forestry, it's an indicator of how well trees grow in particular tracts.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Adams: You're right. You could have the most productive farmland in the County. But in an absentee owner situation it's not being used for anything whatsoever; it's just been laying there fallow for fifteen years. So, it could be your most productive but if there is no production taking place...

Mrs. Baker: Except the one thing to keep in mind, too, is that we are going to need to look at other funding sources and the funding sources are going to be the State which does require an agricultural component with at least the ability for your land to be farmed or timbered. Even the Federal program, the Farm and Ranch Land Program, they all will get some aspect of the property to support agriculture.

Mr. Neuhard: There are also a series of questions here. Then you are talking about point value you give to that series of questions. The very next question is about whether it is actively farmed. So, what you want is a series of questions and then making sure that their balance of points are correct so that you are putting the proper emphasis; so you are using a set of criteria to help you make the best judgment based on the policies. So the question is, how often do you want that question in there and then how much do you want it to be weighted.

Mrs. Clark: I think based on what Kathy said especially, about looking for grant money and those kinds of things, that this is probably an aspect that is going to have to be addressed on a piece of property either now or later, so I don't think it hurts to have it in there. If it's something that is fairly easy for staff to figure out... that worries me too, how much time do you spend to do it.

Mr. Lott: You can arrange something that would be no more difficult than what I just did, but whether there are many soils in the County that match Prime Farmland definition, I don't know.

Mrs. Clark: We don't have to make it tonight.

Mr. Coen: Okay, number 3.

Mrs. Baker: The next two, you recall we originally had contained the active farm land. We had a different definition, active farm land, but we are trying to redefine what active farm land is, whether it harvested or grazed and that I believe came out of how the Commissioner of Revenue, Mike, is that how they determined land use, whether it's been harvested or grazed?

Mr. Keyes: That sounds about right.

Mrs. Baker: I think that's where that came from. But, to tie it into number 4, we actually put that out now so that when you all talked about the two tracts, first you may have the property that is all active farmland and you may have one that is all timberland and they both have similar qualities, did you want to have points for each of those categories rather than having timberland included in your farmland and active farm land categories.

Mrs. Clark: Okay, so they get points in number 4, whatever the point value is, to active timberland as to have a forest management plan, is that right Marty? And how hard is that to get?

Mr. Lott: You can hire a forester to do that. The reason we put that in as having that you've done something with the Department of Forestry is otherwise it is essentially the same question as the environmental question further on where you get points for how much of your land is forest. So,

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

otherwise it's exactly the same thing. You are actively using your land for forestry, you have a program with the Department of Forestry.

Mrs. Clark: Could it be considered active timberland if it had... I am trying to get around the DOF plan if you don't already have one, but if it's been logged within an X number of years or whether it had additional trees planted on it within an X number of years, both of which I would consider to be active forest land. You are either adding to it or you are taking away, I don't know.

Mrs. Baker: We may add additional qualifiers for what constitutes that. That was just the easiest to confirm that the property is in silviculture. The Forest Management Plan indicates to somebody that that is how you are going to do it over the next fifty years even. The Commissioner of Revenue may have the same thing that they do for their land use program. There are certain things that you are supposed to fill in on this form that says you either have...

Mrs. Clark: I thought it was twenty contiguous acres?

Mr. Keyes: If you harvest the trees, you have to have a plan and you have to follow that plan in order to stay in the land use program. So if you come in and you timber the property but you do not follow the plan and replant or whatever that plan calls for, you are now, that's it, you are out of the land use program because you are now not continuing to manage the property for timber.

Mrs. Baker: But we can have some different qualifiers in there that show what we consider active timberland. Just because somebody cut it thirty years ago and it's re-vegetated...

Mr. Adams: Put it this way, there is enough abuse in land use that Albemarle went and hired somebody and they are going out and checking some people. And they are taking those people out and back taxing them seven years right off the get go, because all you do every year is sign a piece of paper, send it in, nobody ever checks and away you go.

Mr. Coen: Okay. Anything else on 3 or 4?

Mrs. Baker: Number 5 we are still working on. We've been trying to get together with the Tri County folks. Initially we had the five different categories that you got a point for but these aren't necessarily representative of plans that you would implement through Tri County. Again, that was a tangible way to determine whether you got some of the plans in place and Tri County had some record to confirm that with us.

Mr. Adams: I would also add, you've got the Soil and Water Board, but you've also got the NRCS and they do things like WHP and EQIP and things, the riparian buffers. So, in a lot of cases it may just be semantics but a lot of times when the NRCS comes out and looks at it like they did at my place and they look at funding, and they say "Jeff, if we put you in the State program we can get you this many dollars, and if we put you in this program, you get this". So I would just add the NRCS as well as the Soil and Water.

Mrs. Baker: Yeah, I think the categories themselves have to change. Ten years ago when we copied this from Virginia Beach that may have been applicable, but that has changed, it has grown, it's expanded, and they have gotten rid of some. So, we need to come back with more information on this

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

as well. After looking at it over the last couple of months, we need to meet with the people at Tri County.

Mr. Hunt: I'm on the Tri County Soil and Water Board so I will glad to help you do that. And they work real close with NRS too.

Mr. Adams: I've got several contracts on my place and even with that, a lot of this stuff you don't even necessarily have to have a plan. Guys are out there cover cropping and fencing off streams and stuff on their own without even any of the agency help.

Mrs. Baker: But they're not bound to do it unless they have a plan or agreement with an agency. I guess they are not really bound by that either; they can always get out of it.

Mr. Adams: I've fenced off some of my streams without any agency support. But even if you have agency support you can fence them out. But just remember, once the plan, if it's a ten or fifteen year plan, you can still remove it at the end of ten or fifteen years.

Mrs. Baker: Right, but we still need some mechanism to... you just can't go out and say well that person put up a fence and the cattle are crawling all over it or whatever.

Mrs. Clark: Well, I'm going to play devil's advocate again because this category is quality of the parcel and productivity capability, and what I'm going to say is if having those particular projects or plans in place, does that necessarily affect your productivity capability with this land? And I would say probably no. I think it does have links to your environmental responsibility but I don't necessarily think that is has to do with productivity.

Mr. Adams: I would tell you it does have a negative affect because when you start fencing off riparian buffers and everything and you work with the NRCS in order to put a fence there, you lose acreage that you can no longer graze or crop. It can be a negative production because you can take a fifty acre parcel and someone is only able to use forty acres of it because you agreed to take ten acres out of production for protection.

Mr. McClevey: I'm just going to suggest that perhaps this type of... if this question is inappropriate for the ranking, however, when it comes to our negotiations with the property owner where we write the Deed of Easement or whatever, we're going to say "well, if you're a farmer when we write this Deed of Easement up we would like you to be in a conservation management plan". So, I would think that's something that would be at that level where we wouldn't necessarily rank property at this particular time negatively or positively based on that because the property owner probably doesn't have this.

Mr. Hunt: I think most of the farms in Stafford County do and the plans are free. The Soil and Water Conservation will pay to have them written for you. But I see your point. Maybe you don't need this in the criteria. There are the new Ches Bay requirements that people have been trying to figure out what they mean; I have been to several meetings on that. They are going to have major implications and the law literally says that every plot that's even a small farm has to have all this stuff. I don't know how in the world anybody would get all that done but that's what the law says. But taking that out of the ranking criteria wouldn't offend me at this point in terms of ranking. Why don't we get the right plans and talk about it a little more.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Neuhard: And does it need to perhaps move to somewhere else.

Mr. Coen: And that one is three options, whether we move it, take it out or just alter it.

Mrs. Baker: And remember we took out the phrase that says “or agrees to implement” because we had no way of holding people to that so that was a bit problematic. That may be more of a negotiation factor.

Mr. Coen: Okay. Onward to B.

Mrs. Baker: This is where we are getting into the developability of a parcel. We are putting basically subdivision lots on it. So, the first category would be urgency of the circumstances supporting the conversion from agricultural to another land use. The condition came up converting from agricultural to a development. Most of our land outside the Urban Services Area that people are going to be applying for is A-1 which is a minimum of three acres. Of course, we do have some A-2 property which is minimum one acre lots. So going through these question the discussion here was whether or not we add the fact that somebody has an approved preliminary plan. If you have an approved preliminary plan, you are that much closer to being able to develop your property. We did, on the last round, have a preliminary subdivision plan approved on a parcel that was in sections and they had, actually across the street, already developed some of their property. So the thought was to add that category just to show that they basically have got the soils and they’ve got what it takes to get a preliminary subdivision in there, and they are ready to go to the next step.

Mrs. Clark: So if we buy it, that subdivision wouldn’t go far. My question about that is if you have... this is sort of a land use question... if you have a preliminary subdivision plan on a piece of land, if you decide not to do that subdivision, can it revert back to the land use program?

Mr. Keyes: You can come out of land use and back into land use though it does get a little bit tricky. But the preliminary plan is not really the trigger anyway in the property that’s coming out, it’s the use that’s currently taking place. So there are properties that are slated for development, and like right now is a perfect time, and they are saying development didn’t take place, it’s still eligible for land use until the use on the property itself changes.

Mrs. Clark: You can already have like perk sites on it?

Mr. Keyes: You could have done perk sites but if... well, I’ll give you an example of that. If you go where the golf course is, down along the river where Cannon Ridge Golf Course is, part of that property in the big picture is still in land use. There’s 400 acres or something, 250 of it is taken up with the golf course and there’s another chunk that is still being farmed which is really the area where the second golf course may or may not ever go there. But the point is, that section still qualifies even though it is approved for a golf course to go there. It didn’t really change the fact that they are still farming.

Mrs. Clark: So if we bought a piece that already had a subdivision plan on it, and we bought it, it could revert back to farming and go back in land use.

Mr. Keyes: That has got to be the determining factor for it to get held out. There will be some things they have to qualify for and prove and show...

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Clark: But you can go backwards. Okay.

Mrs. Baker: I can give you a little rundown. There are three steps in the process to subdividing land when you are talking over five lots. The preliminary subdivision plan, that's your concept that lays out your property and your roads. And that is vesting you; you've got a number of years that now you can submit construction plans where you come in and build your infrastructure. You get those construction plans approved. You can still be doing all of this but still have one big parcel of land and you just may have some roads built on it or utilities installed. You come to the third stage and record plat, a final plat, and that's when you are actually breaking it into individual lots. So that could be five or ten years from when you get a preliminary subdivision plan done, especially in these times. We have held over preliminary plans that people haven't even come in to plat, they keep renewing their preliminary. So they are not officially locked until that last record plat.

Mrs. Clark: Could you reconsolidate and go back to a farm?

Mr. Keyes: If they were divided into three acre lots and then somebody wanted to vacate those property lines and turn it back into a farm and develop their history, you could go back.

Mr. Adams: With that property that was slated for development before that was chosen, you could just ask the guy to withdraw his plan, right?

Mrs. Clark: That's what my question was.

Mrs. Baker: Your due diligence or whatever, when you are going through that process, they have already done their soils work, they have seen how many lots they can really get on there. And when they do their preliminary plan they need to show the possible location of drainfield sites so that is determining really the number of lots that you could get on there.

Mr. Coen: Okay, number 2.

Mrs. Clark: Back to number 1. With the parcels approved preliminary subdivision plan, would the placement in the list be concrete?

Mr. Coen: I think it would just be inserted.

Mrs. Clark: Okay.

Mrs. Baker: And I did skip over the one just above that, the marketed for voluntary sale. And we had quite a bit of discussion on that. What is a voluntary sale? So we may put in some additional language; it has to have been for sale for six months, you've already had it on the market. You are not going to submit an application and go put up a for sale sign just to get the points.

Mr. Adams: I think I brought that up after sitting through a earlier meeting. Because I was sitting there looking at what I could do; just call the realtor tomorrow since I was two points behind, I'm going to have a sign out there tomorrow and now I'm in first place.



***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Baker: So whether we create that as a policy or whether we further define what actively marketed for sale is, we will further clarify that. On to number 2. Again, this is where we are getting into really the ability to have drainfields on your property and it dealt with well-drained soils on your parcel.

Mr. Lott: I think there was a general agreement to keep this question as it was written unless you want to look at it. Essentially you just look at all the soils that are on the site and what percentages of them are considered moderately well-drained or better and are best suited for drainfields.

Mrs. Clark: So you don't have to have the perk sites identified.

Mr. Lott: No, you just literally use GIS to calculate the percentage of soil on your property and you use points according to the scale.

Mr. Adams: So let me ask, I came up with eleven but that was based on a soils map. So I could end up with zero perk sites if I was to actually divide the place. This is just based solely on what a soil map says, that this property you should be able to get a theoretical number of perk sites. As to whether you can get them or not...

Mr. Lott: Right. There could be issues that all of them are in one part of parcel when you can't subdivide in areas where you have poorly drained soils.

Mrs. Baker: That's why we came up with that formula. Hopefully that's going to help us get to a better idea.

Mr. Adams: What would happen down the road if sewer and water came by a parcel all at once? Like Cannon Ridge, they've got sewer and water close by but if you look at a soils map there may be zero perk sites on it.

Mrs. Baker: But we're not going to change the methodology even if there is water and sewer available. Typically in your A-1 areas you are not going to have water and sewer outside the Urban Service Area. There are going to be some instances where you do but the Comprehensive Plan says to focus your water and sewer inside the Urban Service Area which is not A-1 property. Page 3, the Fund Leveraging was worded originally "purchase price is leveraged or below market value". I think people did not quite understand what that meant so when we looked at some other localities and how they have this question worded and we took this directly from someone else. Where you talk about your fund leveraging, the County is not going to be paying everything so there may be other ways of supplementing the purchase price on this. Basically your state, federal, public or private funding that you might identify gets a certain number of points for each percent of the total purchase price. And, again, that just comes directly from I believe that was Albemarle County.

Mrs. Clark: Is this up to the property owner to find these sources?

Mrs. Baker: Yes. When they would submit an application they would tell us. We're offering up this additional funding so that we pay less money but get more property out of it basically.

Mr. Neuhard: Or we get additional development rights.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Baker: That very last one was about getting so many points for your additional rights. The Silver property, twenty development rights is what the methodology came up with. They basically gave us two more. If we were to have had that initially in the calculation they would have gotten points for that.

Mr. Coen: Okay.

Mrs. Baker: Any comments or questions? Number 3, the amount of public road contiguous to parcel. Again, this does relate to the developability of a parcel. When you subdivide, you have to have a certain amount of road frontage to create lots. We had the issue last time about a property that was located on a private road. The developability of that may be limited, unless a public road was constructed to that property. But if you look at the way it was broken down, the more road frontage on a state road, the easier it is to subdivide that property. So that's why we have that breakdown. We did not change that, we just threw in the note about discussing the issue of private road frontage. Do you want that to be a criteria that a property has to have state road frontage? I think that was some of the discussion that was held previously. So there is some limitation on development of a property that does not have state road frontage. I'm leaving that up to the Commission.

Mr. McClevey: I think it's viable and helpful. Because we had the tract that did not have road frontage and it was helpful in saying well why are we purchasing the development rights for that particular tract if it's not as accessible. So, I think that is a valid point.

Mrs. Clark: I think it is too, even though I know there are a lot of properties in the County that would be excluded because of that probably. Well, maybe not a lot but some family subdivision kinds of things, which I think was probably the case with this property was. But I like the idea of it being on public road.

Mrs. Baker: The other part of that is in our ordinance you have to have a minimum width for a state road. There might be a case where you have a fifty or sixty foot easement for your property through another property to get to your property, and there could be the feasibility of turning that into a state road and accessing that. But we are not sure how easy that would be putting that into words because it is going to be dependent upon is your neighbor going to give you or sell you that land to be able to build it to state road standards. Otherwise, if you can't build it to state road standards, you are going to be limited to the subdivision capability there, whether you have 100 acres or ten acres.

Mr. Adams: Let me just ask a question on this for clarification. My neighbor has seventy acres on one side of the road and seventy acres on the other side. So if his property was 1,500 foot long, is he going to get credit for 3,000 feet? In other words, if he was putting the whole property up, the state road runs right through it.

Mrs. Clark: But the reality is if he is going to develop that, he would get credit for 3,000 feet of road.

Mr. Neuhard: He would get credit for 3,000 feet of road.

Mr. Coen: Yeah. I think it's okay to have the question in there. I think it was very good. I think it was what Marty was getting at. It was good to have it as a point of information that here is a parcel of land that in theory qualifies for all these other reasons but this is one thing that is worth noting. And so

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

whereas if we took it out or we said it has to have X amount of footage along the state road I think would just weed out arbitrarily ahead of time. So I don't have a problem with leaving it there.

Mr. McClevey: Under this situation you would only get ten points. That's great; a very good change.

Mr. Coen: Okay, next one.

Mrs. Baker: Number 4. And this is where we still had a lot of discussion. Landowners have agreed to the following restrictions. The first was a question of a cumulative nature. It was a total of ten points yet we had three different categories and if somebody had all three of those, could they get more than ten points. So we'll deal with that once we get the categories themselves figured out. But we looked at having timbered buffers along streams. We also looked at no new dwellings may be located on the property and the parcel shall not further be divided. All of these may be more negotiation type issues. Do you want them up front or don't you, I think, was part of the discussion. But again, do you want to give people points for agreeing to do these things during the application process.

Mr. Coen: I'm going to throw this back to our great legal mind because I have a problem where the other one said they say they are going to do something when it's in the future. But say, for example, you pay me, I do it and then I put a new building on there, even if it is just a tiny little shack for my nephew who just basically wants a two room building on a piece of property. I mean, what are you going to do to me?

Mr. Smith: Other than talking at first, we wouldn't...

Mr. Neuhard: We get an injunction.

Mr. Smith: We would have it written under the Deed of Easement that no further development on the property...

Mr. Lott: Build it illegally.

Mr. Neuhard: That doesn't mean they still won't do it.

Mr. Coen: This issue is moot then.

Mr. Neuhard: No. It depends on how you look at it. For example, this time when we started with our negotiations, we started with all of the basics that we have in the deed, the model deed, but we make sure that any commitment that was made during the selection process was honored. So, it's getting the promise up front. If you had a piece of property and they were equal and one of the property owners said I guarantee I won't do this, this or this to it and the other one is saying not, do you want that to mean more to you than you'll take the other property where the guy doesn't promise that. Because once you get into the negotiation, we expect everyone to live up to their commitments. But if you haven't committed to that, it's an open book and we will negotiate with you on it.

Mr. Coen: Well, he did a great job. I see these are more negotiation points I don't know whether I think they need to be a question at one point. To me, I really have a problem with somebody saying well, in the future, I promise to do X and give me the points for future tense. To me, I have no problem with past tense which is what we changed some of this to. I already had in place things, but

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

for me to promise it, I promise not to do this, this or the other, I never had any intention but I put it there anyway just so I could get three points.

Mrs. Baker: Then I guess part of it will depend on the size of the property that you get. I think there is one question that we need to answer before we get into any of this discussion and that is that if we get one building site on one easement. There was a lot of discussion on that last time. So then it comes down to if you're given one dwelling site then what if somebody wants to obtain additional building sites on the property which, if you look at other localities, there are some that allow up to four or five dwellings on a conservation easement. VOF even allows, if you have a 100 acre parcel, they will allow four or five different building sites on that 100 acres. So, I think that's the first thing maybe you do need to make that decision whether you want to automatically allow one dwelling site.

Mrs. Clark: I would say yes. Based on the discussion we had last time about vacant pieces of property without the ability to have even one housing site, I see very little need to have a whole parcel of land without one site on it.

Mr. Adams: Are you talking about one site, or one additional site?

Mrs. Baker: Well, that was a big discussion point.

Mr. Adams: Look at my property; I've already got a house there. So, if I'm given an easement, why should I be able to have another house?

Mrs. Clark: But that's not what I'm saying. I'm saying every piece needs to be allowed one house site minimum.

Mr. Adams: But if there is an existing house already there, then that's the one.

Mrs. Clark: Yes.

Mr. Coen: And, for the new members, the phraseology was about 100 acres, if it was under 100 acres one member was saying then they cannot have a house. It's one house per 100 acres, so if I have eighty I can't do it. And then the other people are saying no, the sense of the law is that if it's up to 100. So that's where the big fight was way back in November. So, is there any feel about the one unit?

Mr. Hunt: I don't mind the one unit.

Mr. Keyes: I went back and called the program director for James City County. I don't remember every little breakdown that he gave me. They have a whole guideline of how many, if the property reaches a certain number of acres, then you can have like a small tenant cottage. It went on several things, so if we wanted to look at something and get the exact wording of their program, we could do that. But the clear point that he made, they had done several of these easements and they have already had one property, their first or second property that they ever did they, in his terms, made the mistake of not making it have a development in it and it was causing a problem. He was very clear on that and said that he would be glad to talk to the Committee. But he was very strong in his position that there needs to be at least one development right. It was a whole list of reasons and problems that was caused

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

when that parcel went to resell and then the people wanted to come back to the County and try to renegotiate and it was just a bunch of headaches.

Mrs. Baker: When we went to our PDR Managers Meeting we did try to pose that question to the other localities that were there and their general consensus was you really should have the ability to have a caretaker live onsite for maintenance purposes and long term care of the property, and that was just their thought.

Mr. McClevey: I would agree with this discussion completely and say that from here on, any question that comes up, we should eliminate any question that has any reference to agreed to because if it's not concrete or measurable, we should not have that verbiage in it.

Mr. Coen: Okay.

Mr. Adams: Well, let me ask something on this and kind of dive back into land use, because twenty acres is the minimum. But then you are going to have to have... I think the way it works is one acre is taken out of land use. So if we are going to allow a dwelling in the future, you almost have to have twenty-one so that the house is excluded and you've still got twenty acres to put in. Is what I'm saying making sense?

Mr. Keyes: You are correct to be eligible for land use. That parcel would be compliant with all the rules of PDR and there easily still could be a place to make them build that house but you are correct if it is twenty acres of timber. If it was tillable property on that other end it would be fine. But the rules are you only have to have five acres of tillable type of property and twenty acres of timber.

Mrs. Clark: You need six acres of horticultural, right?

Mr. Keyes: You would need six if it has a house. So, it's five usable. If it were timber, by being twenty acres, once they build the house, yes, they would come out of land use but there are still other ways to comply with the easement.

Mrs. Baker: But by ordinance in the County, if you are going to have a second site, you are going to have to subdivide it. If you just a conservation easement on 100 acres with one house site and you are not subdividing it, the conservation easement is including that house site, if that's the way we are choosing to go. But any further homes on that parcel would have to be divided out.

Mrs. Clark: At the time of the easement.

Mrs. Baker: No, not necessarily at the time of the easement. But if you subdivide it ten years down the road, that subdivision would be subject to the conservation easement. But you would have to write that into your easement if you are going to allow that additional cut.

Mr. Coen: Right.

Mr. McClevey: So, we have a question that says something like the property currently has only one existing dwelling on the site or the property has no existing dwellings on site. Well, the intended is that when we go to deed of easement it's easier to negotiate for no new dwellings or keeping only one dwelling on the site if we give them credit up front. We selected that property because they only have

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

one dwelling and they have no intentions, when they go to deed of easement and they only have the one dwelling, then we're done. If they don't have any dwellings then we might not even have that and we might just say the property is entitled to one new development unit or something, rather than saying no new dwellings. I'm just looking right up front at how many subdivisions are currently associated with that particular tract or whatever.

Mr. Coen: Well, I think there are two issues. Let's take a consensus on each one at a time. One is, is there a consensus or feel that the interpretation of the program, it's not so much going to be in the ranking but to help staff, is that there will be one parcel... one developed unit per parcel as opposed to what was being pushed by in the past that if it's under 100 then it can't have anything. Are we all in agreement that there should at least be one?

Mr. Neuhard: One dwelling unit, either existing or future.

Mr. Coen: Existing or future, right. Is that okay?

Mrs. Baker: Do you want to have that per 100 acres or up to?

Mr. Coen: To me, that's the other issue. One is we are all in agreement that at least the parcel should be allowed to have one, either already there or in the future should have one. And then we can get into the other point, whether we are going to say if it's up to 100 then they can have one or whatever. And I would sort of be interested in knowing what communities do. You said there is one that has a scale...

Mr. Keyes: James City County. Over the phone he just rattled it all off in a breakdown...

Mr. Coen: I think it would behoove us to have whatever legalese they have come across that says that if its under 100 that it is allowed to have one, just so that we have it. The more evidence we have so that others may not agree that we have enough... you know what I'm getting at.

Mrs. Clark: They are not getting points for this.

Mr. Coen: And I guess as a second question, do we want to leave this one in here as a ranking criteria that the landowner agrees to such and such, or do we just leave it as part of the application process. Whereby in the application process, if they check off these things, then we can use it in the negotiation as opposed to rewording it and taking it off. That, to me, is the second issue. Does that make sense? And then do people feel comfortable making a decision now? It's up to you; I already said what I think. I'm not trying to push anybody.

Mr. Adams: I'm comfortable with the one.

Mr. Coen: Okay. But, I mean, do we want to write in the criteria that the landowner has agreed and give people points for it or just leave it in the application?

Mrs. Baker: Well, let's just say that you have two properties and they are both 300 acres each. And one of them wants to put the maximum number of houses on that site. Do you want to allow that or do you want to give more points to the guy who says no, I'm not going to give any more house sites, all the rest is in the conservation easement except for that one that I'm allowed to have. So, do you want to give somebody more points for restricting further development I guess is the way to look at that.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Clark: Is that the same as parcels shall not be further divided?

Mrs. Baker: Yes. And that was my next point, is that you can't have the second dwelling.

Mr. Coen: Right.

Mr. McClevey: And I just go back to the ranking criteria is not binding and people can change their minds. Can we have that option of taking that down when it gets to Alan's stage and the person says well I changed my mind on that. Yet it was selected by the Committee based on what they said they agreed to. Again, I'm in favor of not having any language that says "agrees to" at this level. It's part of the ranking; it's in the negotiation level.

Mrs. Clark: And then we are left with timber buffers along streams which it never says intermittent streams or perennial streams, it doesn't say what size and I don't know that it goes in there. You might want to give points for having timber buffers now but that would be in the environmental impact probably, not...

Mr. Lott: We have harvesting restrictions with timber buffers. The reality is Mr. Silver has them but he didn't get points for that.

Mrs. Clark: Well, if you want to get points for that then do they already have it under the environmental quality probably. That's not agreed to if they already have that.

Mr. Adams: The thing that I thought about this not be further divided as I was going through the property was the piece across from Judge Simpson's place. I think you ought to get points, in a roundabout way, if you are putting the whole parcel up versus that one guy that says well (inaudible) easement on this part. I think if you are going to do an easement on all of it that that should weigh more than dividing it.

Mrs. Clark: And that might have been the spirit of this but it's not worded that way. But I understand what you are saying, Jeff.

Mr. Adams: Because that was the guy when you had the meeting in the Committee chamber, he said well I've heard all I wanted and he started to walk out and then somebody said something and he came back. But I could do the same thing. Rather than promising no further dwellings or not divide, I could say well I've got the thirty-eight acres. I'll give you an even twenty-five knowing that I'm keeping the other thirteen for my children down the road. I would get more points for all as opposed to part.

Mrs. Baker: Well, you are. That's going back your area of the property you put the easement on. Even though you have 100 acres and you are only going to put the easement on fifty of it, we are only going to rank you with fifty acres.

Mr. Hunt: The whole point, and I apologize because I am new here, but the whole point is we have a limited amount of money and so you are trying to decide where the best usage is. I mean, if the money wasn't constrained, you'd buy every property you could and put in easements. But we're not there so I think that's covered in the other part. If you are looking at the size of it, I wouldn't penalize them for putting in part of it. You only get credit for the acres they are putting in.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Coen: Okay. So, is there a feel to take out this whole chunk of number 4, that the landowner agrees to. Is there a feel to take it out or is there a feel to...

Mr. McClevey: I personally would like to see a rewrite. Take it out as it is but rewrite it perhaps in what Gail's getting at as what currently is to offer on the proposal.

Mr. Coen: Okay. Do you have a feel for what she's getting at?

Mrs. Baker: I'm not sure.

Mr. Coen: Well, she sort of said that like for the timber buffers; what do you already have in place for timber buffers and things like that? So, you wouldn't have "the landowner agrees to any of the following", that will be in the application. But for a ranking criteria we would want something in there about what...

Mrs. Clark: We take that other question that had the soil and water kind of pieces on it, we add buffer stream and stick it in the environmental section and make it these are the things that you already have, not agreed to.

Mrs. Baker: I got that part. But about the no new dwellings.

Mrs. Clark: The dwellings, I don't know what we do about that.

Mrs. Baker: We can deal with that when we get to the ordinance itself, the part of the ordinance that talks about here are your restrictions. I mean, we can format that exactly how we want it. Do you want them to have one lot... anywhere up to 100 acres gets one lot, anywhere up to 200 acres get two lots or dwellings. So, we can word it right in the ordinance instead of having...

Mrs. Clark: This says the parcel shall not be further divided and I didn't think it could be further divided anyway.

Mrs. Baker: But they might tell you up front well I've got these hundred acres, I want to put the easement on the whole thing and it will be subject to easement restrictions but I am still going to provide those for my three kids.

Mr. Hunt: I thought you couldn't do that?

Mrs. Clark: I thought you had to take it out for your kids before you put it in the easement.

Mrs. Baker: Well, I guess it could be done either way. If it's written in the easement that you are going to allow a further subdivision but that's why we are getting to the point for saying you are not going to do that. And then when it came down to going through the negotiations we would have to work in allowing the three extra parcels. Now, whether there's a dwelling site on either of those parcels doesn't really matter, but you could sell off the different pieces even without a dwelling parcel for different people to farm. But you are going to have piecemeal property. Every property could be under different ownership and it may not be the same management, but you are still going to be subject to the same restrictions the way it's written in the deed.



***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Hunt: I guess I was under the impression that once you put it in the easement, you couldn't mess with it, that you couldn't subdivide it.

Mrs. Baker: Well, it depends on how you worded the easement. Actually that came up during the negotiations with Jerry. He said well I've got this piece over here; what happens ten years down the road if I want to give this property to my daughter, what if she decides she wants to do a boundary line adjustment just because that was better suited to go with the farm next door. So, we determined that ten acres was still going to be under the conservation easement but they could shift that boundary line so that it would still be under the easement but it was going to be eight-seven acres instead of ninety-seven acres that's under the ownership. But those additional ten acres are still subject to every regulation in that conservation easement.

Mrs. Clark: So it could have a different owner.

Mr. Smith: That's one of the requirements that runs with the land and they have to ensure that the deed of easement is made part of that on future transfers. And they have to let us know and I think they have to let VDACS know as well if they are going to do a transfer, as part of their agreement. So we ensure that whoever does take control of the property is aware that they are going to be holding the property under these requirements.

Mr. Coen: So, I guess I will come back to my question. Say I am person number 2 and I have said I will not subdivide it. So I get my three points and that puts me into first place. So that's why I get the money. So then we get down the road and I want to do what Jerry did, I'm just changing to subdividing. I doubt you are going to put an injunction on me for that because it's still going to be farm land, it's not going to change anything, I'm not building a new unit and I doubt you are going to sue me for that, right?

Mr. Smith: As long as you're not impacting the value of the easement; you're not decreasing what we paid you. But we would be sure that you, however you transfer or change the boundary, that it references the recorded deed so whoever ends up...

Mr. Coen: So I sold the land, which is fine, but the fact of the matter is that hopefully when I filled out my application that I got the three points for promising not to subdivide it which put me into first place in the first place. I didn't really know that I was going to do this in the back of my mind, I was just gaming the system that gave me three points for promising to do something. So, if you'll just look at that one. I just have a problem with future tense.

Mrs. Baker: Okay.

Mr. Coen: Anything else anybody want to bring up? Okay. We move to c.

Mrs. Baker: Circumstances supporting agriculture. The first one again was, I don't know if people understood it or didn't understand it, but there's a different scenario that started to play out with this one. Looking at the number of non-farm residences within a certain distance of the property. One of the reasons this was originally put in there, the whole thing about conflict between residential versus agricultural. You put in a subdivision here, the neighbors start complaining because of the manure smell or the tractors that are out at five or six in the morning. So part of that was trying to get rid of that conflict; the other part of it was just being able to target your properties that are going to be

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

agricultural or adjacent to agricultural instead of having sporadic residential subdivisions that are going to be dividing up these properties. So by looking at your adjacent properties, the more number of residential units, the less desirable that property is going to be.

Mr. Hunt: I guess I have a philosophical question to ask at this point and maybe it's because I don't understand, but it seems backwards to me in a sense. It would seem that I would want to take as much land out of development as possible even in already developed areas. It seems like if I had fifteen or twenty acres sitting in the middle of a subdivision that I would want to set that aside so that it couldn't be developed instead of having density over development. I guess I'm a little confused on what I'm trying to do. It just seems backwards. I understand what you just said about it would be nice to have agriculture to agriculture, but why wouldn't I want to conserve as much green space in the middle of development as I could?

Mrs. Baker: This way they will fit as your circumstances are supporting that agriculture, so you are looking at a property that if you have a farm next to a farm, you are going to have maybe more need to have a slaughterhouse here that is going to take care of your cattle on this property.

Mr. Hunt: No, I understand that. I guess I am saying what is the philosophy behind the PDR and why wouldn't I consciously want to preserve green space in the middle of development? Or am I missing what we are?

Mr. Coen: This is where the fight has been. When the Ag Commission was going through this and looking at this, there is sort of a division. One group wanted to say we want to preserve our open space, we want to preserve farm land, we want to preserve the area outside the whole theory of the Comp Plan for many years. Do we move development in because of the cost of services, etcetera. So if you can take the Silver property and preserve it, but then the Rufus Hockensnocker parcel that's already in the growth area right adjacent to it, that would be more logical because especially if it's already in there, you would say this because what would end up happening is if the Silver property goes and the property next to it goes then you will have sprawl. That was the one side and the one side was really strong on that. The other side's argument was if I am the other type of Silvers and I own a parcel of land and I want to entice them to take it out of development and keep it in a pristine state and that's sort of like when we created it, we created it flexible enough to do either; so, whichever the needs would be. Now we have got money from the State for farms so it made sense and it worked out that the number one property was farm.

Mr. Hunt: What was the decision of the Commission then?

Mr. Coen: To make a plan that was flexible; to do both. It was one of the things that I lost. I know a chunk of land right here in Leeland Station. It was like fifteen acres here and five acres not quite touching. And my argument was exactly what you were saying; why not put them together, twenty acres, it's in an urban area, it would be nice, pretty, etcetera. And they were like no, we want to do it the other way and I'm like okay.

Mr. Hunt: I understand both sides of that. But this seems to be clearly pointing to one side of that argument.

Mr. Coen: This section?

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Hunt: Yes. Where's the section to support the other side?

Mr. Coen: The next page under D, Environmental.

Mr. Hunt: I don't see it that way. Section C is designed to support agriculture; that's what the title says and that makes sense. So I don't have a problem with that. I am really just asking where in here does the ranking criteria support saving green space?

Mr. Coen: In B.

Mrs. Baker: When this was originally developed, it was rated more towards agriculture. And to support agricultural, to have a farm next to a residential development was considered a conflict because you have neighbors that are going to complain (e.g., Penny the horse). That's why you are getting more points for that; you are looking at a contiguous area of farm land.

Mr. Coen: And particularly with the parcels that were more in the... for example the application that came in second, they got a good chunk of their points in B. They also were able to get points in other sections as well.

Mr. Lott: In B and Environmental.

Mr. Coen: Right. That's where they really locked up a lot of their points. And road frontage. Granted, that's what we talked about last time at the end of the meeting, was, you know, a lot of the changes that were made was shifting away from agriculture, um, and that the philosophy is to sort of keep it that way.

Mr. Neuhard: I think there are a couple of things to think about when you're talking about philosophy. Very clearly your ordinance I think that's where you were going... originally it was structured around the growth area and later became the word Urban Services Area, outside of that, so from a positive standpoint you stated that if you want to shift back we need to adjust all of that philosophy and shift it that way. The other thing is practical – where are you going to get your money. The money right now is coming for farms, if you find another source or i.e. get a local source, you're going to need to meet the intentions there.

Mr. Hunt: Good point; to follow up with that, Section B gets me. I realize we're not counting points; Section B gives me 50 points and Section C gives me 32 points. I just got a conflict in trying to figure out exactly how this goes. I'd like to be able to move through C.

Mr. Lott: I will just say that I did go and look and there are maybe four or five parcels in the County would get 8 points.

Mrs. Clark: That's what I was going to say. I knew you had a hard time finding anyplace that didn't have houses around it and of course I got really touchy about that one piece that didn't have houses around it but it had a fully platted subdivision all around it and I felt that those should have counted as houses and we had a big question about that. If it can be... if it can have a house around it and the County said it can have a house around it, then I want it to be counted as houses.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Hunt: If money is coming from farm-related resources then I want to get as much of that money as I can.

Mr. Neuhard: Again, I'm not espousing the philosophy, but as we've already said there's a very valid point on either side and so we just have to decide at this point in the program where you want it to be. Because we as staff too can go back if you'd like and we can look and try to push it more towards that other side. There are different questions and things we can do to push it that way.

Mr. Hunt: If the numbers were balanced between B and C, that would kind of allow me to account for both situations. So I wouldn't be offended with that. Thank you.

Mrs. Baker: We may be at a good stopping point.

Mr. Coen: We usually stop at nine o'clock. So, if we're okay with stopping at C, number 1, so we'll start with C 2, next time which will be the great debate over perpetual easements and proximity thereof.

**6. Next Meeting**

- March 22, 2010 Regular Meeting

Mr. Coen: Okay, our next meeting is slated for March 22<sup>nd</sup>. I have for our meeting next month on our agenda to finish the ranking criteria starting with C 2. We are probably done with C 1 for right now. Do you want to start with C 1?

Mrs. Baker: Well, let me tell you one thing we can do too. And I may have told you all this before. But if you go on our website, there's a link that links you to the Department of Conservation and they have all the localities that have PDR Programs right now. They have links to all of those and you can go directly to all those other ordinances and get some ideas from those, if you haven't already done that. That's part of what we did. We went through and started looking at the other localities, particularly the newer ones.

Mrs. Clark: And that's really a point well taken. Right now, this document is several years old.

Mr. Coen: Okay, do we want to get into the philosophical discussion that we were getting to on where we want the Committee to go on the ordinance next meeting?

Mr. Hunt: I just want to ask if you guys could recommend some reading or something. I feel a little like a fish out of water or a minnow in an ocean, whichever way you want to describe it, in terms of understanding. I mean, I think I know what it is but I don't think that what I think I know what it is... So, if you just have some recommended reading, ordinances or just even basic material. If you would send them to me or tell me where I can get access to them it will be worth getting a little smarter on what we are trying to do.

Mr. Neuhard: We will put you a package together that gives you a flavor of what's going on.

Mr. Hunt: Even if you just direct me, I like to read.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Baker: Like I said, the Virginia Department of Agriculture, VDACS.

Mr. Hunt: This is interesting and fun and I'd like to be productive.

Mr. O'Hara: I agree with my colleague. I've been trying to keep my mouth shut and just listen because I've read your minutes and you know a lot and I don't, so I want to listen as much as possible. I do want to look at the philosophy. I heard the suggestion of having two tracts, I've heard the issue with funding and it would almost seem that it does make sense to come up with two separate ranking systems. I just want to make sure that we're using the taxpayers money because that's what we're talking about here. I just want to be sure we make good decisions. I know you guys have thought out a lot of this but I would feel more comfortable just looking at the 10,000 foot view and almost coming through here and identifying the criteria and what exactly the intent is. I think it is in there somewhat but it's still not quite clear to me yet.

Mr. Coen: Kathy, do you still have the power point you did for the public information session?

Mrs. Baker: Yes.

Mr. Coen: Okay, can you send them a link or a copy of it. That will give them a nice overview of it and I think that would be helpful as well.

Mr. Neuhard: Remember, right now we have no money. What we did, after years of planning all this and running our first pilot, which we did, and by the way we got more development rights than we paid for which was pretty effective and efficient, what we're doing is coming back with what we learned when we first put the program together. And we still do on a monthly or bi-monthly basis we get managers from around the State, so there is a lot of collaboration going on. There's a lot of looking at, particularly in this program, how you get your biggest bang for your buck. It's a huge issue everywhere because only a couple localities have a lot of money, Virginia Beach and James City County, basically.

Mr. O'Hara: I'd like to censure some constraints with programs of land use so we are not playing with a piece of paper.

Mr. Neuhard: Right, absolutely.

Mr. Coen: Can you send them some of the information on the Bond Referendum? Last year we were asked to go before the Board with a proposal for a Bond Referendum and after we presented it, they asked us to come back this year with it. So, it will probably be helpful to the new members to see what we did already. But, to give you an idea, that information gave a nice view of the cost benefit and the way we were thinking of it. And then that would give both of you a chance to look at it and see what we have sort of been thinking about and then when we get into that it will help you. Is there any other new business?

Mr. McClevey: A couple things. I wasn't sure if Kathy or Mike had gotten any contacts from Quantico. I received a phone call from Prince William Conservation Alliance representative indicating that they were looking for a contact for Quantico because Quantico had some money available.

Mr. Neuhard: We're tied very, very tightly with Quantico...

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. McClevey: I indicated that and said if it was there, they would know.

Mr. Neuhard: I don't understand that question because...

Mr. McClevey: I don't either.

Mr. Neuhard: And we've met with Quantico. Quantico has a separate and different program and they have identified, by parcel already, their priority properties. Then they submit for their money competitively nationwide, the DoD program, and we're tied with them, we're watching. But their program does not necessarily align with your priorities in your program, nor with your timetables. They are, though, looking for partners just like everyone else. It's interesting you should get that call.

Mr. McClevey: I asked how long ago this was and, well, it's been a week since I've talked to them so it would be three weeks ago. I said as far as I knew they didn't have anything and we would know that.

Mr. Neuhard: You might remember, back last year we provided the maps to all of you.

Mrs. Baker: We held a public information meeting here that was talking about their program.

Mr. Neuhard: And what they were doing and how they were doing. We hope that their program is successful in getting money for our area and can, in fact, do some work on some of those properties they've identified.

Mrs. Baker: And they have to choose the parcel first and then go to funding, which is totally opposite of us.

Mr. McClevey: The second thing was since we merge committees now, I thought that it would be timely for us to look at overlay maps or overlay areas or watersheds or historic overlays or agricultural. A concept I thought of, when I think of US Fish and Wildlife Service looking at parcels of land, they talk about forest fragmentation. And I think of agricultural fragmentation when you do have that farm that is surrounded by subdivisions. So, if we had a purpose in our committee to look at areas where it is purest agriculture or where it will do more good to continue agriculture, that might be something we should consider in the future, as well as like watershed areas. Because you could have a tract within a subdivision that could have a watershed or a creek or something, so a purpose of whatever should bring in the agricultural aspect of it to the PDR Committee and maybe (inaudible) purest agriculture where we would like to emphasize or maybe give points for being in an overlay area or something. So, I'm just sort of throwing that out as food for thought.

Mrs. Clark: It isn't really an agricultural overlay though.

Mr. McClevey: I know that.

Mr. Coen: I remember from the Comp Plan Steering Committee, they had all the components about different things, but I haven't been on it for a year or so. Can you just ask Mr. Zuraf if he has any maps he could let us have or any part of the Comp Plan that... I know when we were looking at a graph there was a chunk of it on overlay districts and stuff like that, corridors and things like that. So just ask him if they have continued to go down that road. If you want, I will.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mrs. Baker: I guess I'm trying to follow where you're going. Yeah, we have different areas...

Mr. Coen: I know when I was on the Steering Committee, and poor Mike got stuck with this, we sort of put in what we wanted to have certain corridors as a goal. And so I think there was an animal corridor and there were a couple other corridors that he was trying to come up with language to fit into the Comp Plan to make it sort of gel with what Stafford County wanted to do. But that was a year and a half ago and I didn't sit through every Board; I've watched some of the Board meetings when they were talking about the Comp Plan but I didn't pay that much attention to see if they actually went from the theory or if that stuff got into the Plan yet.

Mrs. Clark: And you know what, that wouldn't be a bad idea. As we talk about philosophy and the kinds of things that we... do we have a goal? If we are going to shift the kinds of properties we want to save, that might maybe be a way to give points based on location and achieving a County goal.

Mr. Coen: Yeah, that would make sense. I remember one of the first things in either the AG or PDR Committee we talked about was the Comp Plan and trying to mesh with that but that was many, many moons ago.

Mrs. Baker: Some localities have target areas.

Mr. Coen: The other thing, for the next meeting if we could get... I remember in November or October you sort of updated us on various things that were in the works from the Planning Commission, different ordinances or theoretical ordinances or stuff that was being percolated. Am I the only one that remembers that?

Mrs. Baker: Well, we talked about the ones that might affect this.

Mr. Coen: Right. But I don't think we've heard any more.

Mr. Neuhard: We do a weekly update and all that so it's easy enough to bring into you. Maybe we want to talk about where the Comp Plan is one meeting. We have maps and June is when they want it back again. Certainly, probably the talk of the moment is the UDA issue and there is stuff going on in the General Assembly on that, the redevelopment areas and a little bit of boundary tweaking for the USA, but those are the big issues.

Mr. McClevey: My thinking, again, I was just drawing a little map here with the Urban Service Area but we could potentially give credit, give points out based on proximity to the Urban Service Area as you get further out. So if you are not inside the Urban Service Area but you are around it, it would be almost like a green zone where you can develop beyond the city stops. So we would favor tracts right at the Urban Service Area to prevent movement outward or something.

Mr. Coen: I know we looked at a map that had the actual where the green space was and where the open parcels were. So that might be helpful for the new people to see that. Anything else?

Mr. McClevey: I move that we adjourn.

Mr. Adams: Second.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
February 22, 2010***

Mr. Coen: All in favor. We will see you a month from today.

With no further business to discuss, the meeting was adjourned at 9:08 p.m.